



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,901	01/11/2002	Zvi H. Meiksin	56137533-4	7218

26453 7590 10/08/2003

BAKER & MCKENZIE  
805 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER

NGUYEN, THUAN T

ART UNIT PAPER NUMBER

2685

DATE MAILED: 10/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*See Attachments*

## Office Action Summary

Application No.

10/043,901

Applicant(s)

MEIKSIN ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 76-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 76-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 76-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Purchase et al. (U.S. Patent No. 5,432,838).

Regarding claims 76-87, Purchase discloses a powerline communication system for communicating in areas where amounts of energy for communication is limited, i.e., underground mines (Fig. 1, and col. 1/lines 10-15), comprising a signal processor, i.e., a headend unit for controlling signal processing process (col. 4/lines 58 to col. 5/line 2), a plurality of signal lines connected to the signal processor to the one or more connector ports (Fig. 1 with a distribution system with a plurality of lines and connector ports, see col. 3/line 28 to col. 4/line 17); and an AC powerline modem connected to the signal processor via one of the one or more interface connector ports, i.e., main connector ports connecting to other ports of other devices via an AC powerline modem (Fig. 1, col. 6/line 45 to col. 7/16 & col. 8/lines 32-43); and a transceiver connected to the AC powerline modem, i.e., the system further is equipped to handle even fixed voice telephone or mobile voice radio using transmitter and receiver, namely transceiver (col. 10/line 40 to col. 11/line 54), wherein the AC powerline modem modulates and demodulates the

Art Unit: 2685

signals for transmission and reception over the AC powerline to another signal processor, and the signals received via the transceiver can be transmitted via the AC powerline modem through the AC powerline to another signal processor, and the signals received from the another signal processor can be transmitted by the transceiver to propagate the signals within a desired range of area, i.e., this is the process whereas the master unit at the headend communicates to another communication unit or station within the local (as shown in Fig. 1) and the another station can relay or transmit the signals to another device wirelessly within a desired range (Fig. 1/item 16 for a mobile device is in communication with station 100 (col. 7/lines 47-61; and see Fig. 3A & 3B for a closer look a this technique). Purchase further discloses to include other limitations such as peripheral devices connected to the signal processor (Fig. 1), a video monitor system that can monitor the entire operation (col. 14/line 50 to col. 15/line 5), RF transceiver, a personal computer, RS-232 serial ports, and antennas (Figs. 1, 3A-3B, 5A, 6, 8A, 9, and col. 9/line 4 to col. 10/line 39; col. 11/lines 32-54; col. 14/line 50 to col. 15/line 6; and col. 17/line 9 to col. 19/line 62).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Croushore et al (US Patent 6,278,357 B1) disclose apparatus and method for implementing digital communications on a power line.

Satolarczyk (US Patent 5,268,683) and Mayercheck et al. (US Patent 5,161,857) disclose communications systems for underground mines.

Art Unit: 2685

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

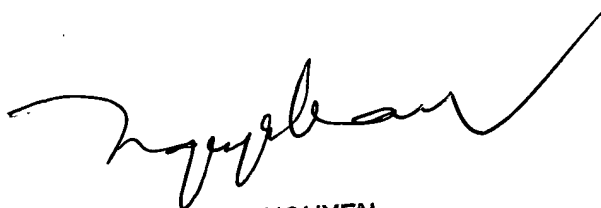
**(703) 872-9314, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



TONY T. NGUYEN  
PATENT EXAMINER

Tony T. Nguyen  
Art Unit 2685  
September 29, 2003